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PTO/SB/61 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First named inventor: Ed O. Schlotzhauer et al

Group Art Unit: Unknown

Application Number: 09/955,796

Examiner: Unknown

Filed: 09/18/2001

Title: Method for User Variation of a Measurement Process

FAX RECEIVED

JUL 29 2002

Attention: Office of Petitions  
Assistant Commissioner for PatentsBox DAC  
Washington, D.C. 20231

PETITIONS OFFICE

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

**1. Petition fee**

☐ small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of a signed Declaration (identify the type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

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Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

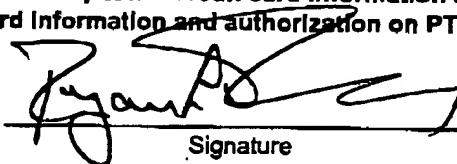
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity of \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

7/29/02

Date



Signature

Telephone

Number: (970) 679 3275

Regan L. Trumper

Typed or printed name

Agilent Technologies, Inc.

Address

815 SW 14th Street, Loveland, CO 80537Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☒ Signed Declaration, Mail Log, Status Inquiry**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

7-29-02

Date



Signature

Shirley A. Gonzales

Typed or printed name of person signing certificate

PTO/SB/51 (10-00)

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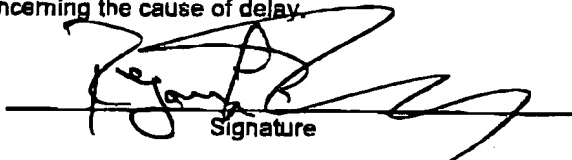
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UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

7/29/02  
Date

  
Signature

Regan L. Trumper

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Our delay in replying to the Missing Parts Office Action is due to the fact Agilent has not received any communications from the PTO since the application was filed 09/18/2001.. This includes not receiving our application postcard return mailer, a serial number, a filing receipt, or any type of Office Action.

Per our file, on May 22, 2002 a status inquiry was sent to the PTO. Our inquiry postcard return mailer was stamped received by the PTO on June 03, 2002. No other communication has been received.

My office contacted the Office of Initial Examination on July 25, 2002. It was discovered the application was assigned SN 09/955,796. We were informed at that time a Missing Parts had been sent to us October 17, 2001. Our mail log indicates we did not receive the Missing Parts. The OIE suggested we contact Doshie Day since the case would probably be sent to the Abandonment department.

Ms. Day suggested we do a Petition to Revive an application, send in the signed Declaration to cover the Missing Parts, and include our mail log.

(Please attach additional sheets if additional space is necessary)